

Amendment and Response to Restriction Requirement
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REMARKS

Prior to the present amendment, Claims 82-102 were pending. Applicants cancel Claims 90-96 and add new Claim 103. Claims 82-89 and 97-103 will be pending upon entry of the amendment. The amendment does not add any new matter. New Claim 103 is based on Claim 90, now cancelled.

Interview Summary

Applicants thank Primary Examiner Li (hereinafter "the Examiner") for extending a courtesy of a telephone interview on April 12, 2006. During the interview, applicants stated that the scope of the claims listed by the Examiner in Groups I-IV of the Restriction Requirement is not limited to the inventions identified by the Examiner as Groups I-IV. For example, applicants brought to the Examiner's attention that independent Claims 82 and 97 are generic. The scope of these claims is not limited to an antibody that recognizes the polypeptide of SEQ ID NO:4 or to an antibody that recognizes the polypeptide of SEQ ID NO:8 or to a combination thereof. The Examiner assured applicants that the scope of the claims listed in Groups I-IV, including Claims 82 and 97, will not be limited by an election of one of Groups I-IV. The elected invention will be used for search purposes only. Full scope of the claims will be considered. The Examiner recommended that a provisional election of one of the Groups I-IV be made in a Response to the Restriction Requirement.

Election/Restrictions

In the Restriction Requirement, the Examiner required restriction of the above-identified patent application to one of the following groups of claims:

- I. Claims 82-89 and 97-102 (all in part), drawn to an antibody that recognizes the polypeptide of SEQ ID NO:4, classified in class 530, subclass 387.1.

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- II. Claims 82-89 and 97-102 (all in part), drawn to an antibody that recognizes the polypeptide of SEQ ID NO:8, classified in class 530, subclass 387.1.
- III. Claims 90-96 (all in part), drawn to an inhibitor of binding of a GBS toxin to a mammalian GBS toxin receptor of SEQ ID NO:4, classification depends on the structure of the inhibitor.
- IV. Claims 90-96 (all in part), drawn to an inhibitor of binding of a GBS toxin to a mammalian GBS toxin receptor of SEQ ID NO:8, classification depends on the structure of the inhibitor.

In response to the Restriction Requirement, applicants provisionally elect Group II, Claims 82-89 and 97-102, all in part, **for search purposes only**. The election is made with traverse. Provisional election by applicants of Group II for search purposes only does not limit the scope of Claims 82-89 and 97-102 to the inventions that the Examiner identified as Group I, Group II, or to a combination thereof.

Applicants assert that the scope of Claims 82-89 and 97-102 is not limited to an antibody that recognizes the polypeptide of SEQ ID NO:4, to an antibody that recognizes the polypeptide of SEQ ID NO:8, or to a combination thereof. Applicants assert that, for example, Claims 82 and 85-89, reciting "[a]n antibody or a fragment thereof, wherein the antibody or the fragment thereof recognizes a mammalian GBS toxin receptor or a fragment thereof," are generic. These claims do not recite SEQ ID NO:4 or SEQ ID NO:8, and the scope of these claims is not limited to the inventions identified as Group I or Group II, or a combination thereof.

Claims 97-102 recite "[a] composition for detection of a GBS toxin receptor or a fragment thereof, comprising a reagent for detection of the GBS toxin receptor or the fragment thereof." Applicants assert that the scope of these claims is not limited to the inventions identified to the Examiner as Group I or Group II, or a combination thereof.

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Applicants request that the invention identified by the Examiner in Group II, and provisionally elected by in this Response, **be used for search purposes only**. Applicants request the Examiner to place on record that the election requested by the Examiner in the Restriction Requirement mailed March 13, 2006, is for search purposes only, and that the Restriction Requirement does not limit the scope of Claims 82-102 to the inventions identified as Groups I-IV, or to a combination thereof. Applicants assert that provisional election in this Response of Group II does not limit the scope of Claims 82-89 and 97-102 to the invention identified as Group II and request that full scope of these claims and new Claim 103 be considered. Applicants also request that upon the initial search of Group II, the Restriction Requirement be withdrawn and Groups I and II be re-joined.

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CONCLUSION

The foregoing is submitted as a full and complete response to the Restriction Requirement mailed March 13, 2006.

Applicants assert that the claims are in condition for allowance and respectfully request that the application be passed to issuance. If the Examiner believes that any informalities remain in the case that may be corrected by Examiner's amendment, or that there are any other issues which can be resolved by a telephone interview, a telephone call to the undersigned agent at (404) 815-6102 is respectfully solicited.

No additional fees are believed due; however the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account number 11-0855.

Respectfully submitted,



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